

6-28-105

2811/\$

PTO/SB/21 (08-03)

Approved for use through 07/31/06. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|-----------------------|
| Application Number | 09/164,216 |
| Filing Date | September 30, 1998 |
| First Named Inventor | Ronald Pasqualini |
| Group Art Unit | 2811 |
| Examiner Name | O. Nadav |
| Attorney Docket Number | 100-11505 (P03921-F5) |

Total Number of Pages in This Submission

14

ENCLOSURES (check all that apply)☒ Fee Transmittal Form (in duplicate)☒ Fee Attached (check for \$400)☐ Amendment/Response☐ After Final (Response)☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement
and Form PTO-1449☐ Certified Copy of Priority
Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition☒ Petition to Accept Late Payment For
Claims (in duplicate)☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Brief☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Inquiry☒ Other Enclosure(s)
(please identify below):**Return Receipt Postcard
Certificate of Mailing**

Remarks

**Please charge any necessary fees or credit overpayment to
Deposit Account No. 502305. A duplicate copy of this
transmittal is attached for this purpose.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual name

Mark C. Pickering, Reg. No. 36,239

Signature

Date

June 27, 2005

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: June 27, 2005

Typed or printed name

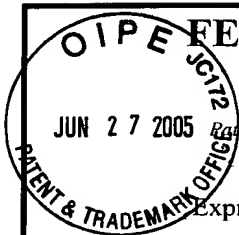
Robin L. King

Signature

Date

June 27, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FEE TRANSMITTAL****For FY 2005**

Patent Fees are subject to annual revision.

Express Mail No. EV530656142US

TOTAL AMOUNT OF PAYMENT \$400.00**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge any fees or credit any overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 502305

LAW OFFICES OF MARK C. PICKERING☐ Applicant claims small entity status. See 37 CFR 1.27.

2. ☒ **Payment Enclosed:**

☒ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. FILING FEE/SEARCH FEE/EXAMINATION FEE**

| LARGE ENTITY | | SMALL ENTITY | | | |
|---------------------|----------|----------------|----------|-----------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
| 1011/1111/1311 | 1000 | 2011/2111/2311 | 500 | Utility | |
| 1012/1112/1312 | 430 | 2012/2112/2312 | 215 | Design | |
| 1013/1113/1313 | 660 | 2013/2113/2313 | 330 | Plant | |
| 1014/1114/1314 | 1400 | 2014/2114/2314 | 700 | Reissue | |
| 1005 | 200 | 2005 | 100 | Provisional | |
| SUBTOTAL (1) | | | | | 0 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | Fee from below | Fee Paid |
|---------------|-----------|--------------|----------------|----------|
| Total Claims | * - 20 ** | = 0 | x 50 | = \$ 0 |
| Independent | * - 3 | = 0 | x 200 | = \$ 0 |
| Multiple Dep. | | | * | = \$ 0 |

** or number previously paid, if greater; for Reissues, see below:

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 50 | 2202 | 25 | Claim in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple dependent claim, if not paid |
| 1204 | 200 | 2204 | 100 | ** Reissue ind. claims over original patent |
| 1205 | 50 | 2205 | 25 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$0**SUBMITTED BY**

Law Offices of Mark C. Pickering
P.O. Box 300
Petaluma, CA 94953-0300
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Customer No. 33402

Complete if Known

| | |
|-----------------------|-----------------------|
| Application Number | 09/164,216 |
| Filing Date | September 30, 1998 |
| First Named Inventor | Ronald Pasqualini |
| Examiner Name | O. Nadav |
| Group Art Unit | 2811 |
| Attorney Document No. | 100-11505 (P03921-F5) |

FEE CALCULATION (continued)**3. Additional Fees**

Large Entity Small Entity

| Fee Code | Fee | Fee Code | Fee | |
|----------|------|----------|------|--|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 1053 | 130 | Non-English specification |
| 1812 | 2520 | 1812 | 2520 | For filing a request for ex parte reexamination |
| 1804 | 920 | 1804 | 920 | Requesting publication of SIR prior to Examiner action |
| 1805 | 1840 | 1805 | 1840 | Requesting publication of SIR after Examiner action |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month |
| 1253 | 1020 | 2253 | 510 | Extension for reply within third month |
| 1254 | 1590 | 2254 | 795 | Extension for reply within fourth month |
| 1255 | 2160 | 2255 | 1080 | Extension for reply within fifth month |
| 1401 | 500 | 2401 | 250 | Notice of Appeal |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal |
| 1403 | 1000 | 2403 | 500 | Request for oral hearing |
| 1451 | 1510 | 1451 | 1510 | Petition to institute a public use proceeding |
| 1452 | 500 | 2452 | 250 | Petition to revive-unavoidable |
| 1453 | 1500 | 2453 | 750 | Petition to revive-unintentional |
| 1501 | 1400 | 2501 | 700 | Utility issue fee (or reissue) |
| 1502 | 800 | 2502 | 400 | Design issue fee |
| 1503 | 1100 | 2503 | 550 | Plant issue fee |
| 1462 | 400 | 1462 | 400 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) |
| 1810 | 790 | 2810 | 395 | For each additional invention be examined (37 CFR 1.129(b)) |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** \$400

Date: 6-27-05

By:

Mark C. Pickering, Reg. No. 36,239

PATENT

09/164,216

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Ronald Pasqualini

Appln. No.: 09/164,216

Filed: September 30, 1998

For: ESD PROTECTION CIRCUIT UTILIZING
FLOATING LATERAL CLAMP DIODES

Group Art Unit: 2811

Examiner: O. Nadav

PETITION TO ACCEPT LATE PAYMENT
FOR CLAIMSINTRODUCTORY COMMENTSMail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Applicant's attorney hereby petitions the Office under 37 CFR §1.182 to accept late payment for claims.

2. In the amendment filed on September 25, 2002, applicant's attorney inadvertently omitted paying for two of the total claims. As a result of the amendment filed on May 7, 2002, 2 independent claims (15 and 51) and 22 total claims (15, 19, 32, and 38-56) were present in the above-identified application. In the September 25, 2002 amendment, applicant's attorney converted claim 40 into an independent claim, and added claims 57-66 (with independent claims 57 and 62). As a result, 5 independent claims and 32 total claims were present.

Petition to Accept
Late Payment for ClaimsAtty. Docket No. 100-11505
(P03921-F5)

09/164,216

3. The highest number of previously paid for claims occurred with the filing, and included 4 independent claims and 30 total claims. On the fee transmittal form, 5 independent claims and 30 total claims were indicated as present, and the fee for one additional independent claim was paid. Thus, the September 25, 2002 fee transmittal form incorrectly understated the total number of claims by 2. As a result, applicant's attorney inadvertently paid for two fewer total claims than required. The understatement occurred due to a clerical error in counting claims.

4. In the amendment filed on March 17, 2003, applicant's attorney inadvertently omitted paying for one of the total claims. In the amendment, applicant's attorney added claims 67-72 (with independent claims 67 and 68). As a result, 7 independent claims and 38 total claims were present. On the fee transmittal form, 7 independent claims and 37 total claims were indicated as present, and the fee for 2 additional independent claims and 7 additional total claims was paid (although only 6 additional claims had been added). Thus, the March 17, 2003 fee transmittal form incorrectly understated the total number of claims by 1. As a result, applicant's attorney inadvertently paid for one fewer total claims than required. The understatement occurred due to a clerical error in counting claims.

5. In the amendment filed on July 29, 2003, applicant's attorney converted claims 58 and 63 to independent form. As a result, 9 independent claims and 38 total claims were present. On the fee transmittal form, 9 independent claims and 37 total claims were indicated as present, and the fee for two additional independent claims was paid. As a result, the July 29, 2003 fee transmittal form incorrectly understated the total number of claims by 1. The understatement occurred due to a clerical error in counting claims. The July 29, 2003 amendment was not entered.

6. In the amendment filed on October 27, 2003, applicant's attorney again converted claims 58 and 63 to independent form, expressly cancelled claim 32, notified the Examiner that claim 32 had not previously been expressly cancelled, and indicated that a miscount in the total number of claims had occurred. (The Examiner and applicant's attorney prosecuted the case as though claim 32 had been cancelled. The Examiner correctly listed the pending claims in the office action mailed May 1, 2001. However, in the office action mailed on June 5, 2001, the Examiner inadvertently failed to include claim 32 in the listing of pending claims. Applicant's September 4, 2001 amendment indicated that claim 32 was not pending, but inadvertently failed to expressly cancel claim 32. The October 18, 2001 office action failed to list claim 32 as pending. Applicant's January 16, 2002 amendment failed to list claim 32 as pending. The February 7, 2002 office action failed to list claim 32 as pending. Applicant's May 7, 2002 amendment failed to list claim 32 as pending. The June 25, 2002 office action failed to list claim 32 as pending. Applicant's September 25, 2002 amendment failed to list claim 32 as pending. The December 17, 2002 office action failed to list claim 32 as pending. Applicant's March 17, 2003 amendment failed to list claim 32 as pending. The May 29, 2003 office action failed to list claim 32 as pending. Applicant's July 29, 2003 paper failed to list claim 32 as pending.)

7. With the express cancellation of claim 32, 9 independent claims and 37 total claims were present in the above-identified application. On the October 27, 2003 fee transmittal form, 9 independent claims and 37 total claims were indicated as present. The fee for the two additional independent claims (claims 58 and 63) was paid with the July 29, 2003 amendment.

09/164,216

8. Concurrently with this Petition, a Request for Continued Examination, and an amendment that adds one additional dependent claim have been filed. As a result of the June 27, 2005 amendment, 9 independent claims and 38 total claims are now pending in the above-identified application. On the June 27, 2005 fee transmittal form, 9 independent claims and 38 total claims were indicated as present, and the fee for one additional total claim was paid.

9. Thus, the maximum number of claims present during prosecution to date was 9 independent claims and 38 total claims. The maximum number of claims paid for during prosecution to date (including the June 27, 2005 amendment) is 9 independent claims and 38 total claims.

10. As the fee for the total claims was paid late, applicant's attorney petitions the Commissioner to accept:

the March 17, 2003 payment for total claims (where 7 additional claims were paid for and only six claims were added in the amendment) as payment for one of the total claims that was inadvertently not paid in September 25, 2002;

the June 27, 2005 payment for total claims (where 1 addition total claim was paid for) as payment for the remaining one of the total claims that was inadvertently not paid in September 25, 2002; and

these payments, and the payments for all claims, as having been timely paid.

11. A check in the amount of \$400 is attached for the petition fee required by 37 CFR §1.17(f).

12. The Commissioner is authorized to charge any additional fees as may be necessary in regard to this inadvertent fee-payment error to Deposit Account No. 502305. A duplicate copy of this statement is enclosed for this purpose.

Respectfully submitted,

Dated: 6-27-05

By: Mark C. Pickering

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Registration No. 36,239
Attorney for Applicant

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